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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,352	08/06/2003	Christopher J. Terrels	0156-P02890US01	8899

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/635,352	Applicant(s) TERRELS, CHRISTOPHER J.	
	Examiner Chi Q Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 2/19/2005.

Election/Restrictions

Newly submitted claim 16 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly added limitation in claim 16 having a similar limitation to the withdrawn or cancelled claims 13-15. Specifically, a tubular shell which drawn to a post structure not a frame apparatus.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 16 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

Claim 16 is objected to because of the following informalities: the cited limitation "the trim pieces" on line 2 does not have antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 19-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US 5,956,920).

In regard claims 17, 25, 27 Davis teaches modular post cladding comprising a first trim piece 20A having a L-shaped, a long side 28A and a short side A (see attachment of figure 2 and figure 6), said short side of said first trim piece 20A comprising an internal channel having teeth 27A function as coupling inside the channel; and a second trim piece 20B having a long side and a short side, said long side of said second trim piece extending into the internal channel in the first trim piece 20A in a telescoping relationship, said long side of said second trim piece comprising a coupling slidably engaging the coupling in the short side of the first trim piece.

In regard claim 19, Davis teaches the claimed invention as stated wherein the short side of the second trim piece 20B comprises an internal channel 27B (see figure 6) inside the internal channel of the second trim piece 20B.

In regard claim 20, Davis teaches the claimed invention as stated wherein a third trim piece 20C having a long side 28C and a short side C, said long side of the third trim piece extending into the internal channel in the second trim piece 20B in a telescoping relationship, said long side of the third trim piece comprising a coupling in the short side of the second trim piece.

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In regard claim 21, Davis teaches the claimed invention wherein the short side C of said third trim piece 20C comprising an internal channel and teeth 27C function as coupling inside the internal channel of the third trim piece.

In regard claim 22, Davis teaches the claimed invention wherein a fourth trim piece 20D having a long side 28D and a short side D, said long side of the fourth trim piece extending into the internal channel of the third trim piece 20C in telescoping relationship, said long side of the fourth trim piece comprising a coupling slidably engaging the coupling in the short side of the third trim piece (fig. 6).

In regard claim 23, Davis teaches the claimed invention wherein the short side D of the fourth trim piece 20D comprises an internal channel and teeth 27D function as coupling extending inside the internal channel of the fourth trim piece 20D.

In regard claim 24, Davis teaches the claimed invention wherein the long side 28A of the first trim piece 20A extends into the internal channel in the fourth trim piece 20D in a telescoping relationship, said long side of the first trim piece comprising a coupling slidably engaging the coupling in the short side of the fourth trim piece (fig. 6).

In regard claims 26, 28 Davis teaches the claimed invention wherein one or more scored sections 36, 38 on each of the first and second trim pieces.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US 5,956,920).

In regard claim 11, Davis teaches a set of construction frames for modular post cladding comprising a plurality of interlocking identically configured pieces, each piece 20 having a first 28, and a second extension A (see attachment of figure 1). The extensions are extending and perpendicular to each other, the first extension of each piece having an internal channel, a plurality of teeth 27 capable slidably engage and lock into other frame members such as in a telescoping connection, one or more breakable joints 36, 38 that are configured to be broken apart to change length. Davis does not teach specifically the breakable joints that formed on the first extension instead they're formed on the second extension as taught by Davis. Examiner takes Official Notice the fact that the breakable joints formed along the second extension taught by Davis would have been an obvious functional equivalent to the breakable joints formed on the first extension because when carpenter would shorten the frame he could simply shorten which having the breakable joints to compensate the length with other frames.

In regard claim 18, Davis teaches the claimed invention as stated except for the first and second trim pieces form a continuous rectangular trim frame. It

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would have been an obvious matter of design choice to form a rectangular shaped with the first and the second trim for the pleasing purpose.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Paul (US 6,516,581).

Davis teaches the structural elements for the frame structures as stated. Davis does not teach expressly indicia adjacent to each breakable joint. The indicia being indicative of a finished dimension hen adjacent breakable joint is broken. Paul teaches ceiling grid structure comprising frames, each of the frames having a plurality of indicia marking along the frame (fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to cooperate Davis breakable joints with Paul for indicia markings along the frame structure. The motivation for doing so would have been to easily indicate the breakable point.

Allowable Subject Matter

Claim 10 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 11-12, and 16-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl

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Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN


4/15/2005


Nadeo Slack
Primary Examiner

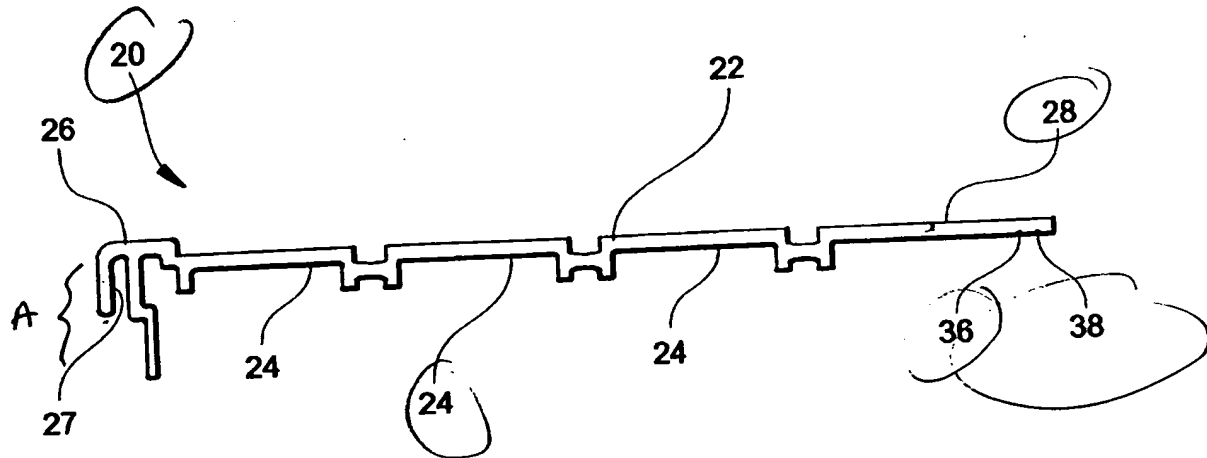


Fig. 2

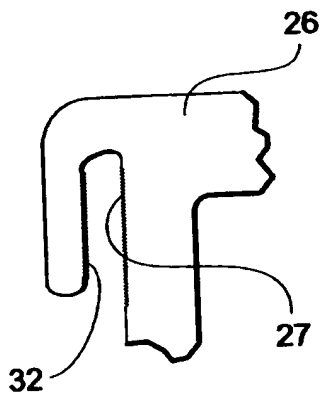


Fig. 3

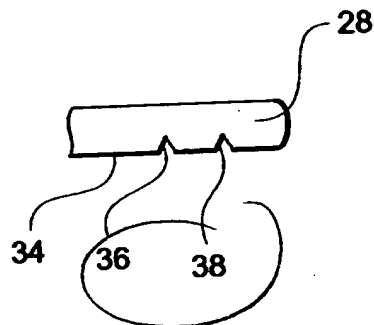


Fig. 4